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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,600 01/05/98 WLODPSKI

T 450.224US1

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EXAMINER

ONIAKU, C

ART UNIT

PAPER NUMBER

2715

DATE MAILED:

09/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

*RA*

# Office Action Summary

Application No.  
09/002,600

Applicant(s)  
Wugofski

Examiner  
Christopher Onuaku

Group Art Unit  
2715



☒ Responsive to communication(s) filed on Jun 15, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1, 2, 4-13, 15-17, 20, 21, 24, and 25 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, 4-13, 15-17, 20, 21, 24, and 25 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_.

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 6/15/00 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/002,600 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2, 4-13, 15-17, 20-21 & 24-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 1-2, 8-11, 13, 17, 21 & 24-25 rejected under 35 U.S.C. 102(e) as being anticipated by Lawler et al ( US 5,805,763).

Regarding claim 1, Lawler et al disclose in Fig. 1, 2, 3, 4A, 4B, 5, 6 & 7 computerized ( see col. 3, lines 61-67; col. 4, lines 1-10; and col. 10, lines 25-29) system that allows a user to identify a

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program for recording using an interactive program guide and then designate the identified program for automated recording at a later date, comprising the method of

a) scheduling a data recording for the recording device, with the data recording to begin at a recording time ( see col.12, line 29 to col.13, line 25);

b) receiving user input at least partially determinative of a recording reminder time for the scheduled recording ( see col.10, line 65 to col.11, line 6);

c) outputting a recording reminder signal at a time based on the recording reminder time, before the recording device initiates automatic execution of the scheduled data recording (see col.12, line 58 to col.13, line 25).

Regarding claim 2, Lawler discloses the method wherein scheduling a data recording for the recording device occurs before receiving input at least partially determinative of a recording reminder ( see col.11, lines 23-32).

Regarding claim 8, Lawler discloses the method wherein scheduling the data recording includes communicating a recording instruction to the computerized system, and wherein the method further comprises calculating and storing the recording "reminder" time based on at least the user input and at least a portion of the recording instruction before outputting the "reminder" signal ( see col.4, lines 11-22; col.8, lines 18-34; col.9, lines 34-62; col.10, line 65 to col.11, line 6; and col.13, lines 8-38).

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Regarding claim 9, Lawler discloses the method wherein the recording instruction includes a channel identifier, a start time, and an end time ( see Fig.3&6; col.7, lines 19-58; col.11, lines 7-32).

Regarding claim 10, the claimed limitation wherein outputting a "reminder" signal at the predetermined time before the time of the data recording includes determining a remind time based on the predetermined time (displayed on the menu) and the time of the data recording and comparing a system time to the recording "reminder" time is inherent in Lawler in order for Lawler to function efficiently.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claim 1 above. Lawler further discloses the ability to carry ( i.e., at least receive, record and display) one or more programs from different program sources ( see col.1, line 50 to col.2, line 5; and col.3, lines 45-67).

Regarding claim 13, Lawler discloses wherein the output device comprises a computer and a display ( see Fig.1 and display 20; col.3, line 28 to col.4, line 10; and col.10, lines 15-29).

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 1 above.

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Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 17 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claims 1& 11 above.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claims 1& 11 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-6, 12&15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al in view of Hoff ( US 5,467,197).

Regarding claim 4, Lawler fails to explicitly disclose the method wherein the recording reminder signal comprises outputting a message to a network communication device associated with at least one user of the computerized system. Hoff teaches the method wherein outputting the recording "reminder" signal comprises outputting message to a network communication

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device associated with at least one user of the computerized system ( see col. 10, line 29 to col. 11, line 48). It would have been obvious to one of ordinary skill to modify Lawler by realizing Lawler with the means to output reminder messages to a network communication device, as taught by Hoff, which would increase the dynamic range of Lawler.

Regarding claim 5, Hoff teaches the method wherein outputting the "reminder" signal comprises outputting a message concerning the scheduled recording to a pager ( see col.3, lines 23-27, and col.5, lines 29-45). Again, it would have been obvious to one of ordinary skill in the art to modify Lawler by realizing Lawler with the means to output reminder messages concerning the scheduled recording to a pager, as taught by Hoff, in order to output to reminder messages concerning the scheduled recording to a paging system.

Regarding claim 6, Hoff teaches the method wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone( see col.5, lines 29-45). It would have been obvious to modify Lawler by realizing Lawler with the means wherein outputting the reminder signal includes outputting a verbal message, a textual message, or an audible tone in order to output reminder signals including a verbal message, a textual message, or an audible tone.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the

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discussions of claim 4 above.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 6 above.

7. Claims 7,16&20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Strubbe et al ( US 5,047,867).

Regarding claims 7,16&20, Lawler fails to explicitly disclose the method wherein outputting a reminder signal includes outputting a message concerning recording media, but which Strubbe teaches in col.6, lines 25-49. Including a message concerning recording media in outputting a reminder signal makes the total message more complete, and more easily understandable. It would have been obvious to one of ordinary skill in the art to add a message concerning recording media in the output reminder signal, as taught by Strubbe, thereby making the total message more complete, and more easily understandable.

### *Conclusion*

8. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.



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If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 and (703) 308-6296, (for formal communications intended for entry)

**Or:**


(703) 308-6306 and (703) 308-6296 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

COO

9/5/00

  
Wendy Garber  
Supervisory Patent Examiner  
Technology Center